



## Administrative Policies and Procedures: 4.17

<b>Subject:</b>	<b>Personnel Files</b>
<b>Authority:</b>	TCA 37-1-105; 37-5-105; 37-5-106; 10-7-504, TN Department of Personnel Policy Memos dated January 24, 1983, March 1, 1985, September 23, 1994, July 2, 1999, May 22, 2002, September 27, 2002, October 9, 2002, March 4, 2004, April 5, 2005.
<b>Standards:</b>	<b>ACA:</b> 3-JTS-1C-21; 3-JCRF-1C-14; <b>COA:</b> PA-HR 7.01, 7.02, 7.03, 7.04, 7.05
<b>Application:</b>	To All Department of Children's Services Employees

### Policy Statement:

All Personnel files and employment records shall be maintained on all active employees in a systematic manner for required contents and access to records shall be granted in accordance with federal or state laws, applicable policies and procedures, standards, rules and regulations.

### Purpose:

To ensure that accurate and complete employee personnel files are maintained and accessed in a coordinated and approved manner for all DCS Regional field offices, Youth Development Centers, DCS Group Homes and Central Office.

### Procedures:

<b>A. Responsibility for maintenance of personnel files</b>	<ol style="list-style-type: none"><li>1. The <i>Human Resource (HR) Director/designee</i> will be the custodian of <b><u>ALL</u></b> personnel files for the Department of Children's Services.</li><li>2. The <i>HR Representative</i> in each regional office and youth development center will be the designated custodian of the personnel files in the field offices.</li><li>3. The <i>HR Representative</i> in Central Office will be the designated custodian of the personnel files for DCS Central Office and DCS Group Homes.</li><li>4. Personnel file documents will be maintained by designated HR Representatives <b><u>only</u></b>. No other division/section of DCS other than an HR office can maintain a personnel file.</li><li>5. A supervisor can maintain a file that is comprised of <b><u>copies</u></b> of no more than the following items:<ol style="list-style-type: none"><li>a) State application;</li><li>b) Job Performance Plan;</li><li>c) Interim Review;</li><li>d) Annual Evaluation;</li><li>e) Job Performance Improvement Plan (JPIP)</li></ol></li></ol>
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	f) Disciplinary Action (oral/written warning, suspension, demotion)
<b>B. Personnel file contents and organization procedures</b>	<ol style="list-style-type: none"> <li>1. The process for personnel file organization will be outlined in a <b><u>Personnel File Contents and Organization Procedures</u></b> directive distributed to all Personnel Officers.</li> <li>2. The Director of Human Resource Development will be responsible for the dissemination, review and revision of the <b><u>Personnel File Contents and Organization Procedures</u></b>.</li> </ol>
<b>C. Confidentiality and access of Personnel files</b>	<ol style="list-style-type: none"> <li>1. All personnel files will be maintained in a <b><u>locked secure area</u></b> with access granted only by the <i>HR Representative/designee</i> pursuant to applicable laws, rules, policies and procedures.</li> <li>2. Official Personnel files are open for public inspection. However, pursuant to <i>TCA 10-7-504</i>, <b><u>specific information</u></b> maintained and recorded in the personnel file <b><u>must</u></b> be <b><u>treated</u></b> as confidential and must not be opened to public inspection. Information not open for public inspection is as follows: <ol style="list-style-type: none"> <li>a) Social security numbers;</li> <li>b) Bank account information;</li> <li>c) Unpublished telephone numbers (where notified of the unpublished nature of the number);</li> <li>d) Driver license information except where driving or operating a vehicle is part of the employee's job description or job duties or incidental to the performance of their job; and</li> </ol> </li> <li>3. The same information above applies to the employee, as well as the employee's immediate family member(s) or household member(s).</li> </ol>
<b>D. Unrestricted access</b>	<ol style="list-style-type: none"> <li>1. Employees will be allowed to review their personnel files without restriction to ensure that they are current and accurate. The procedure for accessing the employee's own information is as follows: <ol style="list-style-type: none"> <li>a) Proper photo identification must be presented to determine if access is allowable.</li> <li>b) Employees will be allowed to review their personnel file during the regular business hours.</li> <li>c) A HR Representative must be present while the file is being reviewed.</li> <li>d) If any information contained in the file is proved to be inaccurate or omitted, it will be added, removed and/or corrected promptly.</li> </ol> </li> <li>2. Personnel division employees, law enforcement agencies, Courts, DCS Internal Affairs investigators and other governmental agencies when, in the performance of their official duties, may review the file without restrictions.</li> <li>3. Employees may allow other parties' unrestricted access to their personnel files by completing form <b><i>PR-0358, Signature Authorization</i></b>.</li> </ol>

<b>E. Restricted access</b>	<ol style="list-style-type: none"> <li>1. Restricted access to files (with restricted information <b>redacted</b>) is permitted upon completion of form <b>PR-0144, Files Checkout Request</b> and photo identification.</li> <li>2. A period of forty-eight (48) hours must be allowed for the <u>courtesy</u> notification of access to employee, audit, copying and redacting of confidential information prior to review.</li> <li>3. Documents containing restricted information must not be left unattended in an area accessible by the public.</li> </ol>
<b>F. Confidential medical information</b>	<ol style="list-style-type: none"> <li>1. Under no circumstances will a division/section other than HR maintain a file that contains medical information. All medical documentation will be submitted to the appropriate HR representative for review and maintenance immediately upon receipt.</li> <li>2. The <i>American's with Disabilities Act</i> (ADA) prohibits an employer from disclosing confidential medical information to anyone, including co-workers, except as expressly provided in the law. Confidential medical is not open for public inspection. The ADA allows disclosure of this information only in the following circumstances: <ol style="list-style-type: none"> <li>a) Supervisor and managers may be informed regarding necessary restrictions on the work duties of the employee and necessary accommodations.</li> <li>b) First aid and safety personnel may be informed, when appropriate, if the disability might require emergency treatment.</li> <li>c) Government officials investigating compliance with the ADA will be provided relevant information upon request.</li> <li>d) Employee may submit information to state worker's compensation offices, state second injury funds or workers' compensation insurance carriers in accordance with state workers' compensation laws.</li> <li>e) Employers may use the information for insurance purposes.</li> </ol> </li> <li>3. The Confidential file will be maintained in a separate secure location apart from the official personnel file.</li> <li>4. Form <b>PR-0358, Signature Authorization</b>, a subpoena, or court order will allow information to be reviewed or copied with audit (information redacted) for <b><u>confidential medical information only</u></b>.</li> <li>5. The confidential medical file organization will be organized in accordance with the <b><u>Personnel File Contents and Organization Procedures</u></b>.</li> </ol>
<b>G. Background checks</b>	<ol style="list-style-type: none"> <li>1. Background check information, reference checks and fingerprint information will be maintained within the official personnel file.</li> <li>2. Background check information related to a review of the child abuse registry which contains confidential information related to a child protective services</li> </ol>

	investigation will be filed with the confidential medical in a separate removable folder.
<b>H. Separation/ termination and transfers</b>	<ol style="list-style-type: none"> <li>1. Upon notice of separation from employment in a Regional Office, the official personnel file must be audited and the following information submitted to DCS Central Office HR <u>within forty-eight (48) hours of receipt of notification</u>: <ol style="list-style-type: none"> <li>a) Completed <b><i>Employee Separation Checklist, CS-0736</i></b> (per the instructions noted on the Checklist). <ul style="list-style-type: none"> <li>◆ Submit original to Central Office;</li> <li>◆ Keep one (1) copy for “dead leave” file (per <b><i>Personnel File Contents and Organization Procedures</i></b> for how long to retain “dead leave” files); and</li> </ul> </li> <li>b) Completed Resignation Notification/Letter or Termination Letter</li> </ol> </li> <li>2. When an employee transfers within DCS, the contents of the official personnel file must be forwarded to the gaining region, YDC, or Central Office HR (includes the attendance and leave folder).</li> <li>3. When an employee transfers to another state agency, the content of the official personnel file must be forwarded to HR in Central Office. The file will contain only the information listed on <b><i>Employee Separation Checklist, CS-0736</i></b>.</li> <li>4. The youth development centers will continue to process separations, terminations and transfers as currently practiced.</li> </ol> <p><b>Note:</b> Remaining information in the file not listed on the <i>DCS Employee Checklist</i> will be disposed of as outlined in <u>Section I</u>, below.</p>
<b>I. Disposal of Restricted Information</b>	Documents containing restricted information must be shredded prior to disposal in recycle bins or placed in trash receptacles.

<b>Forms:</b>	<a href="#"><u>PR-0144, Files Checkout Request</u></a> <a href="#"><u>PR-0358, Signature Authorization</u></a> <a href="#"><u>CS-0736, Employee Separation Checklist</u></a>
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<b>Collateral documents:</b>	<i>Separated Employee File Checklist</i> <i>Personnel File Contents and Organization Procedures</i> RDA S1280
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